

### **REMARKS**

The present application includes claims 1-8, 13, 21, 28-38, and 42. Claims 1-8 and 10-41 were rejected by the Examiner. By this Response, claims 1, 6, 7, 13, 21, 28, and 34 have been amended; claims 8, 10-12, 14-20, 22-27, and 39-41 have been canceled; and new claim 42 has been added.

### **Drawings**

The drawings were objected to under 37 CFR 1.83(a) on the grounds that the drawings must show every feature of the invention specified in the claims. In response, the Applicant has amended the claims to clarify that the claimed subject matter focuses on a transponder *for use* in a tracking system. The tracking system itself is not claimed in claims 1, 13, and 28. With respect to the method of claim 21, Figures 1-6 and the associated description show and describe the signal transmission recited in the claim. With respect to claims 6, 7, and 34, these claims have been amended to further refine the switch and its operation, rather than claiming the controller itself. Therefore, the Applicant submits that the drawings should be acceptable as filed, and the objection should be withdrawn.

### **35 USC 112**

Claims 1-8 and 10-41 were rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. The Examiner points to the determination of

position and orientation of the transponder in relation to a reference coordinate system. However, as noted by the Applicant in the background of the invention (see, e.g., pg. 2, paras. 06 and 07), determination of position and orientation in relation to a reference coordinate system is known. What is claimed herein is a novel and non-obvious transponder configuration and signal generation to be used by tracking electronics to determine position and orientation according to known techniques. Therefore, the Applicant respectfully submits that the Examiner's rejection should be withdrawn.

Claims 1-7, 13-14, and 28-38 have been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By this response, the applicant has amended to claims to clarify that the claims are directed to a transponder (and method of use) for use in an electromagnetic tracking system, rather than claiming an electromagnetic tracking system. Thus, the Applicant respectfully requests that the Examiner's rejection be withdrawn.

**Claim Rejections – 35 USC 102 and 103**

Claims 15-16 were rejected under 35 USC 102(b) as being anticipated by Dumoulin (US 5,443,066).

Claims 1-3, 8-10, 13-14, 17-29, 32, and 35-41 were rejected under 35 USC 103(a) as being unpatentable over Dumoulin in combination with Jones (US 4,160,971).

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Claims 1-3, 8-10, 13-14, 17-20, 22-29, 32, and 35-41 were rejected under 35 USC 103(a) as being unpatentable over Dumoulin in combination with Arndt (US 6,097,189).

Claims 4-7, 11-12, 21-27, 31, and 33-34 were rejected under 35 USC 103(a) as being unpatentable over Dumoulin in combination with Jones or Arndt and further in view of Kip (US 4,196,418).

Claims 30-31 were rejected under 35 USC 103(a) as being unpatentable over Dumoulin in combination with Jones or Arndt in view of Murdoch (US 5,153,583).

The Applicant submits that these rejections have been rendered moot in view of the present amendments to the independent claims. The Applicant submits that the references cited fail to disclose or motivate the particular design and operation of the transponder claimed herein, and requests allowance of the pending claims.

The Applicant respectfully submits that the pending claims are also patentable over the prior art made of record and not relied upon by the Examiner. For at least the reasons described above and in previous responses, the Applicant submits that the pending claims are allowable over the prior art of record and requests action to that affect.

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**CONCLUSION**

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of GTC, Account No. 07-0845.

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Respectfully submitted,

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